IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH

AT HYDERABAD

THE HON'BLE SRI JUSTICE N.V.RAMANA

W.P.No. 18431 of 2000

Dated : 2.9.2005

Between:

J.Basha

.. Petitioner

and

Government of A.P., rep. by its Secretary,

Municipal Administration & Urban Development,

Secretariat, Hyderabad & others.

.. Respondents

THE HON'BLE SRI JUSTICE N.V.RAMANA

W.P. No. 18431 of 2000

ORDER:

This writ petition is filed questioning the action of the respondents in not considering the application of the petitioner for grant of building permission in the land in an extent of Ac.0-84 cents, in Sy No.23-B of Adoni village.

The petitioner along with six other family members, claims to be owner of land admeasuring Ac.0-84 cents in Survey No.23-B of Adoni village, having succeeded to the same upon the death of his father. He states that his father had purchased the said land under registered sale deed dated 31.12.1982. The grievance of the petitioner in this writ petition is that his applications dated 16.8.2000 and 10.9.2000 for grant of building permission, were refused to be received by the 3rd respondent on the ground that the land in question is earmarked for laying 100' road as per the master plan vide G.O. Ms. No.981 HMA & UD Department, dated 4.12.1998. Hence the writ petition.

The 2nd respondent filed counter affidavit *inter alia* stating that the Government has sanctioned master plan for Adoni Town vide G.O. Ms.
No. 761 M.A. dated 31.8.1987. It is specifically stated that, it is not possible for the Municipality to acquire all the lands, which are earmarked for roads in the master plan for financial constraints.

Today when the matter is taken up, the learned counsel for petitioner submitted that in terms of Section 34 of the Town Planning Act, if the land is not acquired within three years from the date of final notification of the master plan, it shall cease to have the effect of a declaration under Section 6 of the Land Acquisition Act, 1894, and that the respondents orally refused to receive his application for grant of building permission, and as such, the respondents may be directed to accept the petitioner's application for grant of building permission, consider the same and pass appropriate orders, in accordance with law.

The learned Standing Counsel for 3rd respondent-Municipality expressed “no objection” for the directions sought by the petitioner.

In view of the agreed stand taken by the counsel, the writ petition is disposed of directing the 3rd respondent to receive the application of the petitioner for grant of building permission, consider the same as per the lay out, and pass speaking orders in accordance with law, within a period of four weeks from the date of receipt of such application. No costs.

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N.V.RAMANA, J

Date: 2.9.2005

DA/TVK

THE HON’BLE SRI JUSTICE N.V.RAMANA

W.P. No. 18431 of 2000

Date: 2.9.2005